IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 261 OF 2005

IN

WRIT PETITION NO. 532 OF 2004

Commissioner of Customs
(Prev.) Mumbai ..Petitioner

versus

M/s. Jai Bhagwati Impex
Pvt. Ltd. & Ors. ..Respondent

Mr. Y. S. Bhate for the Petitioner.

Mr. V. C. Nankani i/b. Mr. Madhur Baya for the Respondents.

CORAM : DR. S. RADHAKRISHNAN &
J.H. BHATIA, JJ.
DATE : 11TH AUGUST,2005

P.C. :

1. Heard the learned counsel for the Petitioner and the learned counsel for the Respondents. By this Notice of Motion the petitioner is seeking setting aside of the Order dated 31.12.2003 passed by the learned Prothonotary & Senior Master. We find that on 31.12.2003 the courts were closed for Christmas Vacation and there was no question of the learned Prothonotary & Senior

Master to pass any such order. Even the order purportedly passed by the learned Prothonotary & Senior Master is not annexed to the Notice of Motion. Even prayer (a) of the Notice of Motion does not indicate as to the date on which the learned Prothonotary & Senior Master passed that purported order. Hence Notice of Motion stands dismissed.

(DR. S. RADHAKRISHNAN, J.)

(J. H. BHATIA, J.)